

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

STARLINK LOGISTICS INC.,)	
)	
Plaintiff,)	NO. 1:12-cv-00011
)	
v.)	JUDGE RICHARDSON
)	
ACC, LLC and SMELTER SERVICE)	
CORP.,)	
)	
Defendants.)	

ORDER

For the reasons discussed in the accompanying Memorandum Opinion, the Court hereby **GRANTS IN PART** and **DENIES IN PART** Defendant ACC, LLC’s Motion for Summary Judgment (Doc. No. 254, “Motion”). Specifically, the Court **GRANTS** the Motion with respect to Plaintiff’s Pre-Consent-Order Claims (as that term is defined in the accompanying Memorandum Opinion) to the extent that the Pre-Consent-Order Claims seek civil penalties. The Court **DENIES** the Motion in all other respects.

The Court hereby **DISMISSES** the remainder of Plaintiffs’ claims against Defendant ACC, LLC—including the Pre-Consent-Order Claims to the extent they seek injunctive and declaratory relief, and the Post-Consent-Order claims with respect to all forms of relief sought—for lack of subject-matter jurisdiction.¹

¹ To be clear, the Court is dismissing the bulk of Plaintiff’s claims for lack of subject-matter jurisdiction *sua sponte*, as it has the power and the duty to do. *See Henderson v. Shinseki*, 562 U.S. 428, 434 (2011) (“[F]ederal courts have an independent obligation to ensure that they do not exceed the scope of their jurisdiction, and therefore they must raise and decide jurisdictional questions that the parties either overlook or elect not to press.”). The Court notes that Defendant, in its summary-judgment briefing, alluded in places to arguments that dismissal for lack of subject-matter jurisdiction would be appropriate. But the Court declines to characterize a dismissal for lack of subject-matter jurisdiction as a grant of summary judgment. More to the point, the analysis in the accompanying Memorandum Opinion is largely the Court’s own rather

The Court also hereby **DISMISSES** Plaintiff's claims in their entirety for lack of subject-matter jurisdiction to the extent that they are asserted against Smelter Service Corp.

The Court accordingly hereby **DENIES** Plaintiff's Motion for Summary Judgment (Doc. No. 257) and also **DENIES AS MOOT** Defendant's Motion for Judgment on the Pleadings (Doc. No. 247).

This is the final order in the case denying all relief. The Clerk shall enter judgment pursuant to Rule 58. The Clerk is directed to close the case file.

IT IS SO ORDERED.


ELI RICHARDSON
UNITED STATES DISTRICT JUDGE

than the analysis set forth by Defendant in its brief in support of summary judgment. Accordingly, the dismissal is properly deemed *sua sponte* and not properly part of a grant of summary judgment, except to the extent noted above.